

## **VARIANCE SUBMITTAL REQUIREMENTS**

Planning Division

Revised: September 23, 2008

A variance from the standards of the zoning ordinance may be considered when, because of special circumstances, the strict application of the ordinance results in undue hardship not experienced by other properties within the same zoning district. Requests may be submitted for variations of certain area, height, yard, setback, fence, parking or sign standards. The requested variance shall not result in a grant of special privileges inconsistent with the limitations upon other properties in the district.

In order to approve a variance request, all of the following findings of fact must be made:

- A) That the strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or alternatively that strict compliance would preclude an effective design solution improving livability, operational efficiency or appearance.
- B) That strict compliance with the regulation would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or alternatively that strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulations.
- C) That if granted, the variance will not adversely affect the character, livability or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.
- D) That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations. (Ord. 408 (part), 1987)

Circumstances considered exceptional include unusual parcel size, shape, topography, vegetation, location, or adjacent uses. It is the applicant's responsibility to provide sufficient information to substantiate the above findings.

Variance requests require one (1) public hearing before the Planning Commission. Allow four to six weeks for processing. If the request requires a variation of 10 percent or less of the standard requirement for building setback or building height, the Community Development Director has the discretion to act on the request through a minor variance. Minor variances require approximately one week for processing. Any decision of the Community Development Director may be appealed in writing to the Planning Commission within fourteen (14) calendar days of the decision. The applicant or the applicant's representative must be present at the public hearing to answer questions.

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Procedure: Applicant submits the following information to the Community Development Department:

- A) One (1) copy of the completed application
- B) The necessary application fee
- C) Location map (Assessor's Parcel Map is sufficient)
- D) Twenty (20) copies of a site plan (minor variances require only two (2) copies) drawn to scale indicating:
  - Lot dimensions
  - Existing structures on the site and adjacent site
  - Driveways to the site, adjoining streets, and roads
  - Off-street parking area
  - Existing use and square footage
  - Proposed fences or building additions to be constructed
  - Required setbacks and proposed encroachments into setbacks
  - Floor plan indicating existing uses, square footage and required parking (for parking variances only)
  - Fence grade, location and height (variances for fences only)
  - Building elevation and materials (variances for signs only)
  - Cross section of pole sign and street grade (variances for signs only)
  - North arrow and scale
  - One (1) 8 ½" x 11" site plan reduction
  - One (1) 8 ½" x 11" color site plan reduction
- E) Prior to determining that your application is complete, signage must be posted on the affected property in accordance with Brentwood City Council Ordinance 665 as determined by the Community Development Department staff.
- F) Additional information as deemed necessary by the Community Development Department.

**NOTE: All maps larger than 8 ½" x 11" must be assembled and folded prior to submittal.**

Public Notice: A public hearing notice is placed in the Brentwood Press or Contra Costa Times at least ten (10) days prior to the hearing and property owners within 300 feet of the property involved are notified of the hearing.

If you have any questions, call the Community Development Department at (925) 516-5405.

**NO APPLICATION WILL BE CONSIDERED COMPLETE, NOR BE PROCESSED, UNTIL ALL  
OF THE ABOVE INFORMATION IS SUBMITTED TO THE SATISFACTION OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**